

APPEAL NO. 040254  
FILED MARCH 24, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 8, 2004. The hearing officer resolved the disputed issues by deciding that the compensable injury of \_\_\_\_\_, includes injury to the neck and left shoulder but does not include injury to the right shoulder, upper back, or low back, and that the appellant (claimant) had disability for the period beginning February 17 through March 2, 2003, and for the period beginning March 10 and continuing through September 17, 2003. The claimant appealed, disputing the determinations that the compensable injury does not extend to the right shoulder, upper back, or low back and the determination that the claimant did not sustain disability after September 18, 2003. The claimant contends the disputed determinations are against the great weight of the evidence. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on \_\_\_\_\_. Extent of injury and disability were factual questions for the hearing officer to resolve. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given to the evidence. This is equally true regarding the medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986).

In the present case, there was simply conflicting evidence on the issues of extent of injury and disability, and it was the province of the hearing officer to resolve these conflicts. Applying the above standard of review, we find that the hearing officer's decision was sufficiently supported by the evidence in the record.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **DALLAS FIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSTIN POLK  
14160 DALLAS PARKWAY, SUITE 500  
DALLAS, TEXAS 75254.**

---

Margaret L. Turner  
Appeals Judge

CONCUR:

---

Gary L. Kilgore  
Appeals Judge

---

Edward Vilano  
Appeals Judge